



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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EMS TRANSMISSION: 6/21/07
Information Bulletin No. **CA-2007-020**

To: District Manager, California Desert
Field Manager, Palm Springs-South Coast

From: State Director

Subject: Proposed rule to revise designated critical habitat for the San Bernardino kangaroo rat (*Dipodomys merriami parvus*) **DD: 8/15/07**

On June 19, 2007, the Fish and Wildlife Service (Service) published a proposed rule (*Federal Register* 72:33808-33842) to revise the amount of designated critical habitat for the San Bernardino kangaroo rat (*Dipodomys merriami parvus*). (See Attachment 1.) The current critical habitat proposal, which stems from a legal challenge to the Service's April 2002 final rule, would reduce the amount of critical habitat for this species from 33,295 acres to 9,079 acres, of which an additional 2,544 acres would be excluded from the final critical habitat designation pursuant to section 4(b)(2) of the Endangered Species Act.¹ The proposed rule solicits information on several topics, including whether any proposed critical habitat areas covered by existing or proposed conservation or management plans should be considered for exclusion from the final designation under section 4(b)(2) of the ESA.

Under the current proposal, approximately 559 acres of BLM administered land would be designated as critical habitat for the San Bernardino kangaroo rat. All of these BLM administered lands are within the Santa Ana River Wash critical habitat unit. Portions of this critical habitat unit overlap with the Santa Ana River Area of Critical Environmental Concern (ACEC). Although the Service acknowledges in the proposed rule that "... BLM is coordinating with the Service to conserve San Bernardino kangaroo rat habitat," it is not proposing to exclude the BLM lands within the ACEC from the final revised critical habitat designation. The rationale for not excluding these lands is "... the administration of valid existing water conservation rights conflicts with the BLM's ability to manage their lands for the San Bernardino kangaroo rat."

¹ Section 4(b) of the ESA requires the Service to designate critical habitat, and make revisions thereto, on the basis of the best scientific data available and after taking into consideration the economic impact, and any other relevant impact, of specifying any particular area as critical habitat. **The Service may exclude any area from critical habitat if it determines that the benefits of such exclusion outweigh the benefits of specifying such area as part of the critical habitat**, unless it determines, based on the best scientific and commercial data available, that the failure to designate such area as critical habitat will result in the extinction of the species concerned.

Please review the proposed rule, and associated maps, and advise CA-930 (Attn: Ed Lorentzen) if you have comments or suggestions regarding the proposed rule. The deadline for submitting comments to the Service is August 20, 2007. Please provide us with your comments, if any, in electronic format by the close of business August 15, 2007.

Questions regarding this proposed rule may be directed to Ed Lorentzen at (916) 978-4646.

Signed by:
James Wesley Abbott
Associate State Director

Authenticated by:
Richard A. Erickson
Records Management

Attachment

- 1 - Proposed rule to revise critical habitat for the San Bernardino kangaroo rat (*Dipodomys merriami parvus*) (34 pp.)

Distribution

WO-230 (Attn: Steve Lydick)